

EXHIBIT 13

From: Pritchard, J. Scott
To: Frank Cornelius; Nadine Christian-Brittain
Cc: Rubin, Michael P.; Harris, Alissa N.; Cullen, Rachael Y.; Harris, Kristy; Lisa Elliott; Mark Walters; Mitchell West; Jana Hartman
Subject: RE: Wolfclan v. Pierce County, et al. - General ESI Search
Date: Monday, August 19, 2024 10:23:17 AM
Attachments: [image001.png](#)

Frank –

A few points in response:

- (1) The impasse is based on your insistence that we need to craft 32 separate search queries, one for every RFP. We disagree that's required, particularly in the absence of any meaningful input from Defendants regarding custodians or search terms.
- (2) We don't need you to run searches over the ESI of the 212 people you identified in response to Interrogatory 6, which answer provides no context whatsoever as to the employee's role or dates of employment. Your instance on running overly broad searches so you can point out how burdensome those searches are, is, again, exactly what created this impasse. What we needed was your help and cooperation in identifying specific individual custodians that are most likely to have relevant information, which was never provided.
- (3) Whatever proposals you intend to make at this point will not solve the issues related to what we believe are improper limitations on the scope of discovery, which we are also raising in the motion.

We are moving forward with the motion to compel and plan to file it this week.

Scott Pritchard | Partner

Direct: (206) 386-7585 | Mobile: (610) 570-0604

From: Frank Cornelius <frank.cornelius@piercecountywa.gov>
Sent: Monday, August 19, 2024 9:37 AM
To: Pritchard, J. Scott <scott.pritchard@stoel.com>; Nadine Christian-Brittain <nadine.christian-brittain@piercecountywa.gov>
Cc: Rubin, Michael P. <michael.rubin@stoel.com>; Harris, Alissa N. <ali.harris@stoel.com>; Cullen, Rachael Y. <rachael.cullen@stoel.com>; Harris, Kristy <kristy.harris@stoel.com>; Lisa Elliott <lmarieroybal@gmail.com>; Mark Walters <walters@lowegrahamjones.com>; Mitchell West <west@lowegrahamjones.com>; Jana Hartman <jana.hartman@piercecountywa.gov>
Subject: RE: Wolfclan v. Pierce County, et al. - General ESI Search

Good morning. In the interest of making one more attempt at resolving the discovery impasse

involving Plaintiff's discovery requests, defense proposes the following: a test email search with Plaintiff's proposed search terms for Pierce County employees identified in Plaintiff's Initial Disclosures and/or for those Pierce County employees identified in Defendants' Interrogatories No. 3 and 6 during the subject time period, but ask that Plaintiff identify the specific RFP that the searches should apply in order to better target and narrow the information sought.

Thank you

Frank Cornelius
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From: Pritchard, J. Scott <scott.pritchard@stoel.com>
Sent: Thursday, August 15, 2024 11:41 AM
To: Frank Cornelius <frank.cornelius@piercecountywa.gov>; Nadine Christian-Brittain <nadine.christian-brittain@piercecountywa.gov>
Cc: Rubin, Michael P. <michael.rubin@stoel.com>; Harris, Alissa N. <ali.harris@stoel.com>; Cullen, Rachael Y. <rachael.cullen@stoel.com>; Harris, Kristy <kristy.harris@stoel.com>; Lisa Elliott <lmarieroybal@gmail.com>; Mark Walters <walters@lowegrahamjones.com>; Mitchell West <west@lowegrahamjones.com>; Jana Hartman <jana.hartman@piercecountywa.gov>
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Frank –

We raised that issue with you in our July 29, 2024 letter, attached again here, and you didn't respond to it. Because you never responded to our proposal at the time, we have already moved forward preparing a motion to compel. Further, given the many issues at which are at an impasse at this point, we think motion practice is unfortunately necessary to adequately address them, at least in this instance. That said, we are happy to utilize the LCR 37(a)(2) procedure regarding the protective order issue, but we cannot agree to utilize it for the other issues that we intend to raise with the Court.

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From: Frank Cornelius <frank.cornelius@piercecountywa.gov>
Sent: Thursday, August 15, 2024 10:51 AM
To: Pritchard, J. Scott <scott.pritchard@stoel.com>; Nadine Christian-Brittain <nadine.christian-brittain@piercecountywa.gov>
Cc: Rubin, Michael P. <michael.rubin@stoel.com>; Harris, Alissa N. <ali.harris@stoel.com>; Cullen, Rachael Y. <rachael.cullen@stoel.com>; Harris, Kristy <kristy.harris@stoel.com>; Lisa Elliott <lmarieroybal@gmail.com>; Mark Walters <walters@lowegrahamjones.com>; Mitchell West <west@lowegrahamjones.com>; Jana Hartman <jana.hartman@piercecountywa.gov>
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Counsel, the parties appear to have reached an impasse regarding discovery that needs court intervention. Defense proposes that the parties utilize the LCR 37(a)(2) expedited joint motion procedure to resolve the current discovery issues involving Plaintiff's discovery requests and protective order issues. This procedure is consistent with Judge Vaughn's chambers policy. Defense can prepare the initial submission with the goal of providing Plaintiff with copy by Monday, August 19th. Please advise. Thank you

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From: Frank Cornelius
Sent: Wednesday, August 14, 2024 1:15 PM
To: Pritchard, J. Scott <scott.pritchard@stoel.com>; Nadine Christian-Brittain <nadine.christian-brittain@piercecountywa.gov>
Cc: Rubin, Michael P. <michael.rubin@stoel.com>; Harris, Alissa N. <ali.harris@stoel.com>; Cullen, Rachael Y. <rachael.cullen@stoel.com>; Harris, Kristy <kristy.harris@stoel.com>; Lisa Elliott <lmarieroybal@gmail.com>; Mark Walters <walters@lowegrahamjones.com>; Mitchell West <west@lowegrahamjones.com>; Jana Hartman <jana.hartman@piercecountywa.gov>
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Good afternoon. Scott, the PO already applies to the parties. Plaintiff's proposed PO edit to

paragraph 4.2(b) is beyond the Model PO and not necessary. We will seek entry with the Court. Defense response to your inquiry regarding Interrogatories 2, 7, and 9 is as follows:

Interrog. 2 (Facilities Mgt. employees/Outside Contractors): Pierce County maintenance employees are as follows: Scott Krupa, Robert Soule, Jaysen Render, Tony Bernal, Ricardo Vazquez, Scott Jones, Thay Phok. Identification of outside contractors requires a Facilities Mgt. ESI search. An update to Facilities Mgt. databases: Databases for that search would include the EAM – Enterprise Asset Management Program, and Facilities Mgt. (N)Drive). Targeted search terms are necessary.

Rog 7 (Plumbing inspections/repairs/replacements – duplicative to Rog 9): Identification of inspections/repairs/replacements requires a Facilities Mgt. ESI search of the EAM and Facilities Mgt. (N)Drive. Targeted search terms are necessary.

Rog 9 (Studies and cost estimates regarding plumbing and toilets): Identification of studies or cost estimates regarding toilets requires a Facilities Mgt. ESI search of the EAM and Facilities Mgt. (N)Drive. Targeted search terms are necessary.

Our goal is to send out an updated supplement by tomorrow. In addition, Plaintiff refusal to provide targeted search terms for his discovery requests has delayed defendants' ability to provide discovery responses. Plaintiff's demand that Defendants immediately answer discovery requests but also demand that defense create a general document pool of materials is contradictory. Defense has cooperated with Plaintiff and completed the alternative ESI test search requested by Plaintiff. The results are overly broad. Plaintiff's continued refusal to provide targeted search terms for the discovery requests is not reasonable when defense has cooperated with Plaintiff and completed the alternative ESI test search. Defense again requests that Plaintiff provide search terms for the discovery requests served. If Plaintiff cooperates and provides targeted search terms for the discovery requests our goal would be to provide supplemental responses by or before late September.

Thank you

Frank Cornelius

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From: Pritchard, J. Scott <scott.pritchard@stoel.com>
Sent: Tuesday, August 13, 2024 3:14 PM
To: Frank Cornelius <frank.cornelius@piercecountywa.gov>; Nadine Christian-Brittain <nadine.christian-brittain@piercecountywa.gov>
Cc: Rubin, Michael P. <michael.rubin@stoel.com>; Harris, Alissa N. <ali.harris@stoel.com>; Cullen, Rachael Y. <rachael.cullen@stoel.com>; Harris, Kristy <kristy.harris@stoel.com>; Lisa Elliott <lmarieroybal@gmail.com>; Mark Walters <walters@lowegrahamjones.com>; Mitchell West <west@lowegrahamjones.com>; Jana Hartman <jana.hartman@piercecountywa.gov>
Subject: RE: Wolfclan v. Pierce County, et al. - General ESI Search

Frank,

I think we are in agreement on the PO. Please modify the PO to make it clear in the "Confidential Material" section that it only applies to specific bates ranges for the documents you intend to produce, and we will sign it.

The remainder of your email is not accurate or consistent with my understanding of the meet and confer or any prior communications. We believe the record is clear on ESI discovery to date, and we will present the issues to the Court for consideration.

On the interrogatories, I tried to ask you whether Defendants would supplement Rogs 2, 7, and 9 to provide a substantive answer with specific information, instead of references to an ESI protocol. We presented this issue to you in our July 29th correspondence, and I tried to raise it again with you this afternoon. We cannot afford any further delay at this point. Please advise as to Defendants' position by tomorrow. If the answer is no, Defendants will not supplement to provide specific substantive information by a date certain, then we will move to compel.

Thanks,

Scott

Scott Pritchard | Partner
Direct: (206) 386-7585 | Mobile: (610) 570-0604

From: Frank Cornelius <frank.cornelius@piercecountywa.gov>
Sent: Tuesday, August 13, 2024 3:00 PM
To: Pritchard, J. Scott <scott.pritchard@stoel.com>; Nadine Christian-Brittain <nadine.christian-brittain@piercecountywa.gov>
Cc: Rubin, Michael P. <michael.rubin@stoel.com>; Harris, Alissa N. <ali.harris@stoel.com>; Cullen, Rachael Y. <rachael.cullen@stoel.com>; Harris, Kristy <kristy.harris@stoel.com>; Lisa Elliott <lmarieroybal@gmail.com>; Mark Walters <walters@lowegrahamjones.com>; Mitchell West <west@lowegrahamjones.com>; Jana Hartman <jana.hartman@piercecountywa.gov>
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Scott, below is my understanding of the meet and confer:

The following is a brief summary of the 8/13/24 meet and confer.

1. PO

The proposed PO pertains to specific discovery requests regarding jail map and jail design plans. It is not a blanket proposed PO. The model PO is used. Plaintiff refuses to agree to the model PO as it relates to Attorney Eyes Only and the documents it identifies. Plaintiff counsel offered no basis on how or why it would be reasonably necessary for Plaintiff Wolfclan to review these documents or why an additional revision is needed to the proposed PO. Scott, your refusal to enter into the PO is not reasonable. Please reconsider signing and we will file.

2. ESI Search

Defense conducted an ESI search as previously agreed: Defense used Plaintiff's propose search terms and Identified custodian and databases. Results were provided.

-Defense did not agree to use all individuals identified in Plaintiff's Initial Disclosures for the general ESI search. Plaintiff previously refused to supplement his Initial Disclosure witness identifications. However, individual listed in Plaintiff's Initial Disclosures include but are not limited to Pierce Co. correctional employees who were not working in 3NA. As previously indicated and agreed, Plaintiff Wolfclan's claims are limited and involve the 3NA section of the jail and the time period of April 8, 2020 to May 2, 2023. During the meet and confer, request was made that counsel explain how Officer Olsen is relevant to the subject litigation. Plaintiff's counsel refused to provide information. Plaintiff counsel refused to discuss other witnesses identified in Plaintiff's Initial Disclosures. Scott, Plaintiff also identified 6 prior jail inmates as witnesses in his Initial Disclosures. Jail Act precludes discovery related to these individuals as defense previously indicated and Plaintiff will not identify relevance. Plaintiff's Initial Disclosures are not in compliance with the Rule requirements.

3. Separate Issue not identified for meet and confer agenda:

-Plaintiff counsel attempted to discuss three (3) individual interrogatories. Plaintiff identified Interrogatory No. 2. Defense indicated that interrogatories were not reviewed for this meet and confer. Request was made that Plaintiff identify in separate correspondence the issue and response would be made. Plaintiff counsel refused and would not identify the other interrogatories. Defense indicated that it maintains answers to the discovery requests.

Scott, request is again made that you identify the interrogatories and specific issue. We will review and follow back up. As to Interrogatory No. 2, we will review the answer and follow up by separate email.

-Plaintiff counsel also confirmed that Plaintiff does have documentary evidence but asserts that Plaintiff does not need to identify those materials in his Initial Disclosures unless a discovery request is issued.

Frank Cornelius

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From: Pritchard, J. Scott <scott.pritchard@stoel.com>

Sent: Tuesday, August 13, 2024 2:27 PM

To: Nadine Christian-Brittain <nadine.christian-brittain@piercecountywa.gov>

Cc: Rubin, Michael P. <michael.rubin@stoel.com>; Harris, Alissa N. <ali.harris@stoel.com>; Cullen, Rachael Y. <rachael.cullen@stoel.com>; Harris, Kristy <kristy.harris@stoel.com>; Lisa Elliott <lmarieroybal@gmail.com>; Mark Walters <walters@lowegrahamjones.com>; Mitchell West <west@lowegrahamjones.com>; Frank Cornelius <frank.cornelius@piercecountywa.gov>; Jana Hartman <jana.hartman@piercecountywa.gov>

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Frank –

Following up on my email below and our meet and confer this afternoon. I understand based on our conversation that you are representing that the protective order you have proposed relates only to the documents that are identified therein with specific bates ranges. If that is the case, please revise the protective order to say so, and we will accordingly agree to it simply so that those particular documents can be produced. We are also willing to agree that they are being produced on an AEO basis pending entry of a broader protective order governing confidentiality. The problem is, as I explained, we cannot agree to a blanket protective order that makes our client unable to review any material that Defendants may ultimately choose to label as confidential. Please advise.

I understand that we are at issue regarding ESI and that you do not intend to supplement any disclosures that you have provided to date. We will therefore move to compel on that issue as I explained in my email below.

I tried to ask whether Defendants will supplement Interrogatory 2 to identify individuals, but you refused to answer my inquiry on the grounds that this meet and confer wasn't intended to address that question. For your information, we previously raised that issue in July 29th correspondence, as I said during the meet and confer. We will move to compel a complete response to this interrogatory as well.

You brought up apparent issues you have with respect to Plaintiff's initial disclosures. We are open to the idea of supplementing the disclosures, but we don't have clarity on what specific supplementation you are seeking. The individuals we identified have knowledge about the

claims of unsanitary conditions in the Pierce County Jail. We also described Plaintiff's documents by category and location, as required by Rule 26. We told you that my client does not currently have in his possession any *ESI*, but that we believe the description of documents that we provided in the initial disclosures complies with Rule 26. If Defendants issue document requests, we will work with our client to produce whatever relevant documents he has. But we do not understand what you claim to be deficient as to our existing initial disclosures. Please advise on that as well.

Scott Pritchard | Partner

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From: Pritchard, J. Scott

Sent: Monday, August 12, 2024 5:27 PM

To: Nadine Christian-Brittain <nadine.christian-brittain@piercecountywa.gov>

Cc: Rubin, Michael P. <michael.rubin@stoel.com>; Harris, Alissa N. <ali.harris@stoel.com>; Cullen, Rachael Y. <rachael.cullen@stoel.com>; Harris, Kristy <kristy.harris@stoel.com>; Lisa Elliott <lmarieroybal@gmail.com>; Mark Walters <walters@lowegrahamjones.com>; Mitchell West <west@lowegrahamjones.com>; Frank Cornelius <frank.cornelius@piercecountywa.gov>; Jana Hartman <jana.hartman@piercecountywa.gov>

Subject: Re: Wolfclan v. Pierce County, et al. - General ESI Search

Frank – It does not appear that you ran the search terms we proposed against the ESI held by specific individual custodians, as we have asked you to do many times. The “hit report” also does not show the results for any individual terms that we proposed, as we requested, which would enable us to work together to modify certain specific terms that may potentially be overbroad. Instead, it looks as though you have run the terms collectively against all the ESI generated by two entire departments, but of course it remains difficult to tell because you have not been forthright in providing information about the process you are employing. By conducting this overbroad search, contrary to what we specifically and clearly proposed many times, it appears you are creating a false impression of overbreadth and undue burden in order to attempt to justify further delay. At this point, we can only conclude that Defendants are not acting in good faith in connection with this process. We will raise this issue for a final time in our meet and confer tomorrow, but please understand that we do not believe, given your actions to date, that there is any other option at this point aside from seeking the Court’s intervention. We intend to file a motion to compel and will seek associated costs pursuant to FRCP 37.

On Aug 12, 2024, at 4:32 PM, Nadine Christian-Brittain <nadine.christian-brittain@piercecountywa.gov> wrote:

Good afternoon, Counsel –

Please find attached correspondence from Mr. Cornelius in the above-referenced matter.

Thank you,

*Nadine Brittain, Legal Assistant
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<2024-08-12 Ltr to Counsel.pdf>